

September 11, 2002

Docket No. 02N-0275
Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, Maryland 20852

**Public Health Security and Bioterrorism
Preparedness and Response Act of 2002**

To Whom It May Concern:

The Agricultural Transporters Conference of American Trucking Associations is a national organization, which represents the interests of the commercial transporters of agricultural commodities and farm supplies.

The Agricultural Transporters Conference has the following concerns regarding:

Section 303. Administrative Detention. We are concerned that this section does not provide sufficient detail regarding the procedures in the detention of "food" shipments. Regulations will need to provide specific expedited procedures for perishable foods. The regulations will need to provide for specific time frames for the administrative detention process.

Products that are detained are to be moved to a "secure facility." The regulation will need to provide for a clear definition of what constitutes a "secure facility." Various food shipments, including those transported by commercial agricultural transporters, may require special conditions, in a "secure facility", in order to prevent spoilage loss of the entire shipment. Regulations should take into consideration the needs of shippers and transporters in order to prevent economic hardship by those companies engaged in these types of transportation.

Regulations should take into consideration that "detention may not exceed 20 days", and will certainly not be feasible for perishable food shipments and agricultural commodities such as fruits, vegetables, and livestock. Realistic and expedited time frames will be necessary to accommodate these types of shipments.

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